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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,152	02/13/2002	Karp-Sik Youn	P56636	4715

7590

05/05/2003

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/073,152

Applicant(s)

YOUN, KARP-SIK

Examiner

Dan Colilla

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2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 12-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “driving means comprising a carrier including an ink cartridge” (as recited in claims 4 and 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 19-22 are objected to because of the following informalities:

In claim 19, line 3, it appears that “firstlever” should be –first lever--.

In claim 20, “said springs interposed between said first holder and said firstlever and between said second holder and second lever” appears to be a double recitation of that which is recited in claim 15.

In the last line of claim 21, “said rack” has no antecedent basis in the claims.

Throughout claim 22, “said rack” has no proper antecedent basis.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lawrence.

With respect to claims 1 and 9, Lawrence discloses an apparatus for discharging a sheet including a tray T, a pair of holders 6 that hold sheets above and at the sides of the tray T as shown in Figure 5E-5J of Lawrence and a moving means M1,8-10 for horizontally moving the holders 6.

With respect to claims 2 and 10, the moving means M1,8-10 includes a rack 8 and a driving means M1 for driving the rack. The holder 6 moves in association with the rack as described in col. 2, lines 37-43 of Lawrence.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence.

With respect to claims 3 and 11, Lawrence discloses the claimed apparatus for discharging a sheet except that the pinion of the motor does not contact the rack directly. However, Lawrence does disclose the pinion 9 of the motor connecting with a gear 10 that connects to the rack 8 as shown in figures 3B-3C of Lawrence. Although, Lawrence does not disclose the identical arrangement of motor, gears and rack, the use of such elements are well-known basic mechanical expedients and would have been obvious to one of ordinary skill in the art for the advantage of directing a driving power to a desired location.

Allowable Subject Matter

7. Claims 4-8 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 19 -22 are objected to as being dependent upon a rejected base claim and for having the above mentioned informalities, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the above mentioned informalities.

Note: the indication of allowability of claims 20-22 is based on the assumption that applicant has intended to positively recite "the rack" in the claims.

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9. The following is a statement of reasons for the indication of allowable subject matter:

Claims 4 and 12 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an apparatus for discharging a sheet including a tray, holder or pair of holders and moving means for horizontally moving the holder, a rack, and a driving means in which the driving means comprises a carrier including an ink cartridge and drives the rack.

Claims 5-7 and 13-19 have been indicated as containing allowable subject matter because the prior art for record does not disclose or teach in combination the entire combination of an apparatus of discharging a sheet including a tray, holder and moving means for horizontally moving the holder, a rack, a driving means , and a lever or pair of levers having a first end and a second end in which the first end is connected the holder and the second end is connected to the rack such that the lever is in pivoting association with the movement of the rack.

Claims 20-22 have been indicated as containing allowable subject matter because the prior art of record does not disclose or teach in combination the entire combination of an apparatus for discharging a sheet including a tray, a pair opposed and movable holders, moving means for moving the holders as recited in the claim, a rack, and a pair of levers each having a first end and a second end in which the first end is connected the holder and the second end is connected to the rack.

10. The following references have not been applied to the claims but are considered pertinent to the claimed invention. Klaus, Yamada et al. and Froechte et al. are cited to show other

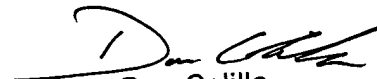
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examples of sheet discharging apparatus that include holder members that are horizontally movable above a collection tray.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

May 1, 2003


Dan Colilla
Primary Examiner
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